

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Southern California Regional Rail Authority for authority to construct a pedestrian underpass for the Northridge Station, Metrolink Ventura Subdivision Mile Post 449.31, proposed CPUC Number 101VE-449.31-BD; USDOT 996381K.

Application 13-05-009  
(Filed May 23, 2013)

**DECISION GRANTING AUTHORIZATION TO THE SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY TO CONSTRUCT A PEDESTRIAN GRADE-SEPARATED CROSSING FOR THE NORTHRIDGE STATION UNDER THE METROLINK VENTURA SUBDIVISION MAIN LINE TRACKS IN THE CITY OF LOS ANGELES, LOS ANGELES COUNTY**

**Summary**

This decision grants the Southern California Regional Rail Authority authorization to construct a new grade-separated pedestrian rail crossing at the Northridge Station under its Ventura Subdivision tracks located in the City of Los Angeles, County of Los Angeles. The crossing will be identified as California Public Utilities Commission Crossing Number 101VE-449.31-BD and United States Department of Transportation Number 996381K.

This proceeding is closed.

**Discussion**

The Southern California Regional Rail Authority (SCRRA) proposes to construct a new grade-separated pedestrian rail crossing (crossing) at the southern end of the Northridge Station. The crossing is part of SCRRA's project

to modify the station by adding a second platform and track north of the existing station and platform. The crossing will pass under SCRRA's Ventura Subdivision main line track and a proposed second new main line track at approximately milepost 449.31 and be identified as California Public Utilities Commission (CPUC/Commission) Crossing No. 101VE-449.31-BD and United States Department of Transportation (DOT) No. 996381K.

SCRRA and the National Railroad Passenger Corporation (Amtrak) operate approximately 30 passenger trains per day on SCRRA's Ventura Subdivision tracks at a maximum speed of 70 miles per hour (MPH). In addition, the Union Pacific Railroad Company operates approximately 12 freight trains per day at a maximum speed of 40 MPH over these tracks.

The crossing will provide a safe passage for pedestrians and bicyclists underneath SCRRA tracks between the southerly ends of the existing platform and proposed station platform to be constructed on the north side of the station, by means of a concrete tunnel structure. The structure will be approximately 60 feet long, 16 feet wide and 10 feet high, and will consist of pre-cast concrete boxes. SCRRA will install an inter-track fence of welded-wire construction between the two tracks to preclude pedestrian circumvention of the underpass crossing. SCRRA will also install handrails along the pedestrian walkways approaching the crossing to direct and channelize pedestrian movement.

SCRRA will install its standard signage, either affixed to fencing or post-mounted. Signage will indicate by either verbiage or picture the following messages: "No Trespassing, Violators Will Be Prosecuted," "Do Not Enter Railroad Right of Way," "Warning, Watch for Trains, Trains Approach from Both Directions," and other standard signage. SCRRA will install lighting along the length of the tunnel crossing to illuminate the pathway per applicable local

codes. The crossing design and construction will conform to Americans with Disabilities Act (ADA) requirements, and minimum clearance requirements between the centerline of the parallel new and existing tracks, as set forth in CPUC General Order (GO) 26-D. The proposed track clearances comply with the minimum parallel track clearance requirement of 15 feet, as specified in Commission GO 26-D.

### **Environmental Review and CEQA Compliance**

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources Code Section 21000, et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is either the public agency that carries out the project,<sup>1</sup> or the one with the greatest responsibility for supervising or approving the project as a whole.<sup>2</sup> Here, SCRRA is the lead agency for this project, and the Commission is a responsible agency because it has jurisdiction to issue a permit for the project. As a responsible agency under CEQA, the Commission must

---

<sup>1</sup> CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

<sup>2</sup> CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

consider the lead agency's environmental documents and findings before acting on or approving this project.<sup>3</sup> As a responsible agency, the Commission is responsible for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.<sup>4</sup>

SCRRA originally prepared and filed a Notice of Exemption (NOE) on September 18, 1991. SCRRA prepared an amendment to the 1991 NOE due to regulatory changes, references, and route maps that developed since the original NOE was approved in 1991. SCRRA provided the Commission's Safety and Enforcement Division – Rail Crossings and Engineering Branch staff a copy of a revised NOE, which SCRRA filed with the Los Angeles County Clerk on June 26, 2014. This decision enters a copy of the 2014 NOE into the record as Reference Item No. 1.

The NOE states that the project qualifies for Statutory Exemption under CEQA Guidelines §21080(b)(10) and Cal. Code Regs. Title 14 §15275(a). Both of these sections provide in pertinent part that CEQA does not apply to mass transit projects that institute or increase passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use, or that include the modernization of existing stations and parking facilities.

The Commission reviewed and considered the NOE and finds the document adequate for our decision-making purposes.

---

<sup>3</sup> CEQA Guidelines, Sections 15050(b) and 15096.

<sup>4</sup> CEQA Guideline Section 15096(g).

### **Filing Requirements and Staff Recommendation**

The application is in compliance with the Commission's filing requirements, including Rule 3.7 of the Rules of Practice and Procedure, which relates to the construction of a public road across a railroad.

The Commission's Safety and Enforcement Division – Rail Crossings and Engineering Branch staff has reviewed and analyzed the application, and recommends that the requested authority to construct the subject crossing be granted for a period of three years.

### **Categorization and Need for Hearings**

In Resolution ALJ 176-3316 dated June 27, 2013, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

### **Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

### **Assignment of Proceeding**

Denise Tyrrell is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Notice of the application was published in the Commission's Daily Calendar on May 31, 2013.
2. SCRRA requests authority, under Public Utilities Code Sections 1201-1205, to construct a new pedestrian grade-separated crossing for the Northridge

Station under its Ventura Subdivision main line tracks located in the City of Los Angeles, Los Angeles County, to be identified as CPUC Crossing No. 101VE-449.31-BD and DOT No. 996381K.

3. The crossing design and construction will conform to ADA requirements.
4. The crossing will comply with all minimum parallel track clearance requirements set forth in Commission GO 26-D.
5. For safety and security purposes, SCRRA will install lighting within the crossing tunnel.
6. SCRRA is the lead agency for this project under CEQA.
7. SCRRA submitted a NOE which states that the project is statutorily exempt under CEQA Guidelines §21080(b)(10) and Cal. Code Regs. Title 14 §15275(a).
8. Impacts related to rail crossings are areas within the scope of the Commission's permitting process.

### **Conclusions of Law**

1. The design features selected by SCRRA for the grade-separated pedestrian crossing are consistent with the General Order 26-D requirements regarding pedestrian facilities.
2. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's NOE.
3. SCRRA's determination that the project is statutorily exempt from the CEQA is adequate for the Commission's decision-making purposes.
4. The application is uncontested and a public hearing is not necessary.
5. The application should be granted as set forth in the following order.

## **ORDER**

### **IT IS ORDERED** that:

1. The Southern California Regional Rail Authority is authorized to construct a new grade-separated pedestrian rail crossing at the Northridge Station under its Ventura Subdivision main line tracks in the City of Los Angeles, Los Angeles County, as described in its application.

2. The grade-separated pedestrian rail crossing shall be identified as California Public Utilities Commission Crossing Number 101VE-449.31-BD and United States Department of Transportation Number 996381K.

3. The grade-separated pedestrian-rail crossing shall have the crossing treatments and configuration described in this decision and specified in the application and attachments.

4. The Southern California Regional Rail Authority shall comply with all applicable rules, including California Public Utilities Commission General Orders, the United States Department of Transportation's Americans with Disabilities Act Standards for Transportation Facilities, and the California Manual on Uniform Traffic Control Devices.

5. The Southern California Regional Rail Authority shall notify the California Public Utilities Commission's Safety and Enforcement Division – Rail Crossings and Engineering Branch at least five (5) business days prior to opening the crossing. Notification must be made to [rceb@cpuc.ca.gov](mailto:rceb@cpuc.ca.gov).

6. Within 30 days after completion of the work under this order, the Southern California Regional Rail Authority shall notify the California Public Utilities Commission's Safety and Enforcement Division – Rail Crossings and Engineering Branch in writing, by submitting a completed California Public

Utilities Commission Standard Form G (*Report of Changes at Highway Grade Crossings and Separations*), of the completion of the authorized work. Form G requirements and forms can be obtained at the CPUC web site Form G page at [www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formg.htm](http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formg.htm). This report may be submitted electronically to [rceb@cpuc.ca.gov](mailto:rceb@cpuc.ca.gov) as outlined on the web page.

7. Within 30 days after completion of the work under this order, the Southern California Regional Rail Authority shall notify the Federal Railroad Administration of the existence of the crossing by submitting a U.S.DOT CROSSING INVENTORY FORM, form FRA F6180.71. A copy must be provided concurrently to the California Public Utilities Commission's Safety and Enforcement Division – Rail Crossings and Engineering Branch. This copy of the form may be submitted electronically to [rceb@cpuc.ca.gov](mailto:rceb@cpuc.ca.gov).

8. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not satisfied. The California Public Utilities Commission may revoke or modify this authorization if public convenience, necessity, or safety so requires.

9. A request for extension of the three-year authorization period must be submitted to the California Public Utilities Commission's Safety and Enforcement Division – Rail Crossings and Engineering Branch at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

10. A copy of the Southern California Regional Rail Authority's June 26, 2014 Notice of Exemption is entered into the record as Reference Item No. 1.



11. This application is granted as set forth above.
12. Application 13-05-009 is closed.

This order becomes effective 30 days from today.

Dated \_\_\_\_\_, at San Francisco, California.

## **Reference Item No. 1**